

**United States Department of the Interior  
Bureau of Land Management**

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**Finding of No Significant Impact and  
Decision Record  
Environmental Assessment  
DOI-BLM-CA-D080-2021-0014-EA**

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**June 30, 2021**

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**Calico Early Man Site Health and Human Safety Remedies**

***Location:*** San Bernardino County, California

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**FINDING OF NO SIGNIFICANT IMPACT**  
**Environmental Assessment**  
**DOI-BLM-CA-D080-2021-0014-EA**  
***Calico Early Man Site Health and Human Safety Remedies***

**INTRODUCTION:**

The Bureau of Land Management (BLM) has conducted an environmental analysis (DOI-BLM-CA-D080-2021-0014-EA) for a proposed action to address threats to human health and safety in the Calico Early Man Site (CEMS) in San Bernardino County. The project would remedy the human health and safety concerns by removing dilapidated and unsafe structures building, filling of open hazards, covering but leave accessible to viewing of unsafe high-walled and deep excavation features determined as historically significant resources, or leave in place or restore historically significant structures. The need for the proposed action is the present and growing human health and safety issues present at CEMS, that has closed the site to the general public. The underlying need for the proposal would be met while accomplishing the following objectives: Mitigate the safety hazard at the site and re-open the CEMS, to manage and protect the cultural resource values for the purpose of scientific research.

The Calico Early Man Site Health and Human Safety Remedies project area is limited to the CEMS site of approximately 100 acres of already disturbed area and already existing roads. The actual work is further limited only to the designated features and would not expand to include other features or the building of new roads and structures. EA# DOI-BLM-CA-D080-2021-0014-EA is attached or EA # DOI-BLM-CA-D080-2021-0014-EA, is available at the Barstow Field Office, and incorporated by reference for this Finding of No Significant Impact (FONSI). A no action alternative and proposed action alternatives were analyzed in the Environmental Assessment (EA).

**FINDING OF NO SIGNIFICANT IMPACT:**

Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the EA. Therefore, an environmental impact statement is not needed.

This finding is based on the context and intensity of the project as described:

**Context:** The project is a site-specific action at CEMS and directly involves 100-acres of BLM administered land. The action would remediate human safety threats and allow for the re-opening of the site to the public while protecting the cultural resource values. This site is internationally recognized for its values to scientific research into the question of Early Man in the Western Hemisphere.

**Intensity:** The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into resources and issues considered (includes supplemental authorities Appendix 1 H-1790-1) and supplemental Instruction Memorandum, Acts, regulations

and Executive Orders. While the specific regulations were removed in the 2020 NEPA Final Rule, various executive orders, NEPA guidance, and other regulations have preserved the importance of analyzing the short- and long-term effects, beneficial and adverse effects, effects on public health safety, and effects that would violate Federal, State, Tribal or local law protecting the environment in the FONSI.

The following have been considered in evaluating intensity for this proposal:

- 1. Impacts may be both beneficial and adverse.** The proposed action would impact resources as described in the EA. Mitigating measures to reduce impacts to biology and wildlife, cultural resources, public safety, and special designations were incorporated in the design of the action alternative. Several different mitigation features were also added to the proposed action to protect the sensitivity of the site. The intent of CEMS project is to eliminate the health and human safety problems and to protect known cultural resources. None of the environmental effects discussed in detail in the EA and associated appendices are considered significant, nor do the effects exceed those described in the EA. This is because the proposed action would cause only potential effects that if occurred, they would only be short-term effects that would end once construction completed. The long-term beneficial impact of remedying the threats to human health and safety, removing attractive nuisances, and overall stabilization of the site would outweigh any possible adverse effects.
- 2. The degree to which the selected alternative will affect public health or safety.** The proposed action does not include activities that would adversely affect human health and safety. The proposed action is designed to eliminate human health and safety concerns at CEMS. Proposed remedies would allow the reopening of CEMS to the general public and seeks to improve public health and safety at CEMS.
- 3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.** The historic and cultural resources of the area have been inventoried and potential impacts mitigated in the design of the proposed action. The following components of the Human Environment and Resource Issues are not affected because they are not present in the project area: park lands, prime farmlands, wetlands, wilderness, wild and scenic rivers, floodplains, lands with wilderness characteristics, and environmental justice. As analyzed in detail in Chapter 3 of the EA, the following components are present and may be impacted by some degree: biology and wildlife, cultural resources, public safety, and special designations. None of these would be significantly impacted because none of effects the proposed action reach significance as effects are potential effects that if occur would only reach short-term effects. The long-term beneficial impact of remedying the health and safety concerns outweigh the possible short-term effects as the proposed action allows the reopening of CEMS to the general public and protection of historic and cultural resources.
- 4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.** There is no scientific controversy over the nature of the impacts. “Highly controversial” in the context of 40 Code of Federal Regulations (CFR) 1508.27(b) (4) refer to substantial disagreement within the scientific community about the environmental effects of the proposed action. It does not refer to expressions of opposition, or support, or

to differences of opinion concerning how public lands should be managed. No substantial disagreements with the scientific community were identified through the EA analysis.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The project is not unique or unusual. The BLM has experience implementing similar actions in similar areas. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.
6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The actions considered in the proposed action alternative were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted even when considering the effects of other past, present, and reasonably foreseeable actions that have a reasonably close causal relationship to the proposed action. A complete analysis of the reasonably foreseeable effects of the proposed action alternative and no action alternative are described in Chapter 3 of the EA.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.** The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the project is contained in Chapter 3 of the EA.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The project will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources. A cultural inventory has been completed for the proposed action, and consultation with the State Historic Preservation Office is ongoing in accordance with Section 106 of the NHPA.
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA) of 1973, or the degree to which the action may adversely affect a proposed to be listed endangered or threatened species or its habitat, or a species on BLM's sensitive species list.** Mitigating measures to reduce impacts to plants and wildlife have been incorporated into the design of the proposed action. The Desert Tortoise (*Gopherus agassizii*) is potentially within the project boundary. No other threatened or endangered plants or animals are known to occur in the area. ESA Section 7 consultation with the United States Fish and Wildlife Service (USFWS) concluded on June 30, 2021. The USFWS concurred with the determination that the proposed action may be implemented under the auspices of the Biological Opinion for Activities in the California Desert Conservation Area (FWS- KRN/SBD/INY/LA/IMP/RIV-17B0532-17F1029).

- 10. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.** The project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment. State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Furthermore, letters were sent to San Manuel Band of Mission Indians, Twentynine Palms Band of Mission Indians, and Morongo Band of Mission Indians. Two responses were received by the San Manuel Band of Mission Indians, and Morongo Band of Mission Indians with consultation ongoing. In addition, the project is consistent with applicable land management plans, policies, and programs.

**DECISION RECORD**  
**Environmental Assessment**  
***DOI-BLM-CA-D080-2021-0014-EA***  
**Calico Early Man Site Health and Human Safety Remedies**

**DECISION**

It is my decision to select the Proposed Action (Selected Alternative) with mitigation and authorize the remediation of the human health and safety issues present at the Calico Early Man Site (CEMS) by securing of open pits, removing falling and dangerous structures, and leaving in place the cultural features that pose no danger to human health and safety or are eligible for listing on the National Register of Historic Places. The approval of proposed public health and safety remedies will be made under the authority of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S. Code Chapter 35).

The Selected Alternative would be undertaken to implement actions that would eliminate the human health and safety hazards and reopen the site to visitation by the public. Implementing the remediation allows compliance with the objectives of the Calico Early Man Site Area of Critical Environmental Concern (ACEC) that focuses on managing the cultural resource values and providing appropriate recreational opportunities for the public. Under the Selected Alternative, work would be performed by an independent contractor certified in appropriate safety measures, fire risk reduction, erosion prevention, invasive species spread prevention, plant and wildlife protection, micro and macro trash cleanup, and instructed to remain within designated work site. Estimated time on site is 3-4 weeks and the proposed work will be performed during the cold season when desert tortoises are least active, and the work is less likely to affect them. Mitigation, from sections 3.3 and 3.4 in the EA, to prevent potential adverse effects to Biology and Wildlife and Cultural Resources will be implemented. Total area of work is approximately 100 acres of previously disturbed area, but work will be limited to specific features.

**COMPLIANCE AND MONITORING:**

The Selected Alternative includes all necessary monitoring, and the implementation of the remediation actions will occur by contract which will be administered by Bureau of Land Management staff.

**PLAN CONFORMANCE AND CONSISTENCY:**

The Selected Alternative is in conformance with the California Desert Conservation Area (CDCA) Plan (1980), as amended in 2016 by the Desert Renewable Energy Conservation Plan (DRECP). DRECP designates CEMS as part of the Mojave and Silurian Valley California Desert National Conservation Lands (CDNCL). The proposed action is in compliance with the CDCA Plan, as amended by the DRECP.

The CDCA Plan designates the CEMS as an ACEC. The CDNCL and the ACEC designation related to the CEMS for a “internationally recognized site for its values to scientific research into

the question of Early Man in the Western Hemisphere.” (DRECP, 2016 Appendix B, p. 415) The overarching goal of the Calico Early Man Site ACEC is to “manage the cultural resource values associated with the Calico Site for the purpose of scientific research into questions dealing with human occupation and settlement of the Western Hemisphere. To provide and maintain appropriate recreational opportunities for the general public at the Calico Site that serve to increase understanding and appreciation of human prehistory and archaeological techniques.” (DRECP, 2016 Appendix B, p. 415). The ACEC Management Plan for the Calico Early Man Site, was approved in 1984. The Management Plan provides for the management of the internationally recognized cultural and scientific values related to the site. The Proposed Action is in conformance with the 1984 Management Plan but cannot continue many of the actions included in the plan as it relied heavily on the cooperation and help of the Friends of Calico, who no longer exists.

### **Alternatives Considered:**

#### ***Two Alternatives Considered but Eliminated from Detailed Analysis***

- 1) Filling the pits that have been proposed for grate or cupola protection with expanding foam (which is a reversible treatment) and placing several feet of soil over the foam to protect it from the sun. This alternative would remove the ability of a viewer to see the pit(s); and it would prevent access to entry without removal. This alternative was eliminated from further consideration due to the need to provide for wildlife access to the pits.
- 2) Filling the pits that have been proposed for grate or cupola protection with dirt and rock. This would eliminate the hazard but would remove the ability of a viewer to see the pit(s) and remove any access for future study without a full excavation. This alternative was eliminated due to the permanence of the action and the potential damage to the contributing factors of the site for historic research.

#### ***No Action Alternative***

Under the No Action Alternative, the BLM would not complete the proposed remediation to safeguard the site. No actions to fill in open pits, remove collapsed buildings, or preserve historically significant structures would occur. The current state of all features would remain the same. The closure of the site would remain in effect as human health and safety hazard persist. BLM staff would continue to monitor the CEMS for vandalism and associated replacement of closure devices (e.g., gates, chains, locks).

### **Rationale for Decision:**

The decision to approve the Selected Alternative as analyzed in the EA addresses BLM’s purpose and need for action to mitigate the safety hazard at the site and re-open the CEMS to the general public. The Selective Alternative also provides for the management of historic

properties under Section 110 of the National Historic Preservation Act and to protect the quality of archaeological and historical values of CEMS under Section 102 of FLPMA.

The No Action Alternative was not selected as it did not meet the purpose of and need for action. Under the No Action Alternative, no remedial action to fill in open pits, remove collapsed buildings, or preserve historically significant structures would occur. The current state of all features would continue to decline over time. The human health and safety hazards would remain thus continuing the closure of the CEMS.

The environmental assessment for this action was placed on BLM's public ePlanning website at (<https://eplanning.blm.gov>) on July 2, 2021. A press release was also issued on July 2, 2021, announcing the availability of the EA and 30-day public comment period. A total of XXX comments were received. The comments included the following and were considered in making a decision for this project: XXX

### **Administrative Remedies:**

Administrative remedies may be available to those who believe they will be adversely affected by this decision. The decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at Title 43 of CFR, Part 4, and the information provided in Form 1842-1. The appellant has the burden of showing that the decision appealed from is in error. If an appeal is taken, a notice of appeal must be filed at the address below within 30 days from receipt of the decision if served a copy of the document, or otherwise within 30 days of the date of the decision. If sent by United States Postal Service, the notice of appeal must be sent to the following address: U.S. Department of the Interior, Bureau of Land Management, Barstow Field Office, 2601, Barstow Road, Barstow, CA, 92311.

The appeal should include a statement of reasons at the time the notice of appeal is filed, or the statement of reasons must be filed within 30 days of filing this appeal. At the same time the original documents are filed with this office, copies of the notice of the appeal, statement of reasons, and all supporting documentation also must be sent to each party named in this decision and to the Department of the Interior (DOI) Solicitor at the following address: Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890.

If a statement of reasons is filed separately from the notice of appeal, it also must be sent to the following location within 30 days after the notice of appeal was filed: Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, pursuant to Title 43 of CFR, Part 4, Subpart E, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.



Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- 1) the relative harm to the parties if the stay is granted or denied,
- 2) the likelihood of the appellant's success on the merits,
- 3) the likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) whether the public interest favors granting the stay

This decision will take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending, unless the Interior Board of Land Appeals (IBLA) issues a stay.

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Authorized Officer:

Katrina Symons, Barstow Field Manager

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Date